

ENTERED

August 26, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROGER E. MIDDAUGH,

Plaintiff,

VS.

INTERBANK,

Defendant.

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CIVIL ACTION NO. 2:19-CV-187

ORDER

Plaintiff, Roger E. Middaugh (Middaugh), originally filed this action in the 214th Judicial District Court of Nueces County, Texas against Defendant InterBank, alleging a number of causes of action arising out of InterBank's efforts to collect on Middaugh's notes and to foreclose on certain real properties that are situated in Coleman County, Texas and which secure payment of the notes. D.E. 1-4. On July 9, 2019, before being served with the action, InterBank timely removed the case to this Court pursuant to diversity jurisdiction. It also removed on the basis of federal question jurisdiction, noting that Plaintiff asserts rights under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692. *See* D.E. 1, 1-4. The Court HOLDS that the requirement of subject matter jurisdiction is satisfied.


On July 24, 2019, John Cucci, Jr., Plaintiff's attorney of record, filed a letter disclosing that he is not admitted to practice in federal court and requesting two weeks for Middaugh to find a new attorney. D.E. 7, 9 (duplicate letter filed July 29, 2019). Mr. Cucci did not seek admission pro hac vice. On the same date, Middaugh filed a similar

letter requesting two weeks to hire a new attorney. D.E. 8. The requested two weeks expired on August 7, 2019, and no new attorney has filed an appearance in this case and no new request has been filed. The Court DENIES AS MOOT the letter requests (D.E. 7, 8), which are construed as motions.

On July 19, 2019, InterBank filed its motion to transfer venue (D.E. 5), seeking a transfer of this action to the Northern District of Texas, San Angelo Division, which is comprised of a number of counties including Coleman County, Texas where the loans originated and where the property at issue is located. Pursuant to Local Rule 7.3, opposed motions will be submitted to the judge 21 days from filing. The motion's submission date was August 9, 2019. Middaugh has not filed a response to the motion and has not requested any extension of time to respond. Pursuant to Local Rule 7.4, failure to respond is taken as a representation of no opposition to the relief sought.

The Court, after reviewing the motion on the merits finds that it is well-taken. For the reasons set out therein, the motion to transfer (D.E. 5) is GRANTED and the Court ORDERS this action transferred to the United States District Court for the Northern District of Texas, San Angelo Division.

ORDERED this 26th day of August, 2019.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE